

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS MCDANIEL,

Plaintiff,

v.

JASON BENNETT,

Defendant.

CASE NO. 3:24-cv-05223-DGE-GJL

ORDER ADOPTING REPORT AND
RECOMMENDATION (DKT. NO.
13) AND ORDERING TRANSFER

Before the Court is the Report and Recommendation of United States Magistrate Judge Grady J. Leupold. (Dkt. No. 13.) Having reviewed the Report and Recommendation and the remaining record de novo, and there being no objections, the Court finds and ORDERS:


1. The Court ADOPTS the Report and Recommendation. (Dkt. No. 13.)
2. Petitioner's federal habeas petition (Dkt. No. 6) is TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3. Petitioner is advised that this transfer does not of itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner must still file a motion

1 for leave to proceed in the Court of Appeals and make the showing required by
2 § 2244(b)(2).

3 3. The Clerk is directed to close this case and to transfer all original documents to the
4 Ninth Circuit Court of Appeals. The Clerk shall, however, retain copies of the
5 petition, the Report and Recommendation, and this Order in the file.

6 4. The Clerk is directed to send copies of this Order to Petitioner, counsel for
7 Respondent, and the Honorable Grady J. Leupold.

8 Dated this 1st day of July 2024.

9
10 
11 _____
12 David G. Estudillo
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24